IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 20931 of 2015 (N)

PETITIONER(S):

ANAPPATTATH SALMA,
W/O.THAYYIL EDAREEZA, ANAPPATTATH HOUSE,
KARUVARAKUNDU P.O, MALAPPURAM DISTRICT.

BY ADV. SRI.SUNIL KUMAR A.G.

RESPONDENT(S):
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1. THE NILAMBUR CO-OPERATIVE URBAN BANK LTD., F.1043, NILAMBUR, MALAPPURAM DISTRICT, REPRESENTED BY ITS DEPUTY GENERAL MANAGER, PIN- 679 229.

2. THE AUTHORISED OFFICER, THE NILAMBUR CO-OPERATIVE URBAN BANK LTD., F.1043, NILAMBUR, MALAPPURAM- 679 229.

BY ADV. SRI.P.J.DEVAPRASANTH, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

WP(C).No. 20931 of 2015 (N)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1. COPY OF THE JUDGMENT DATED 09.01.2015 IN WP(C).NO.31564/2014.

EXHIBIT P2. COPY OF THE RECEIPT DATED 03.02.2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

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W.P.(C) No.20931 of 2015

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Dated this the 13th day of July, 2015

JUDGMENT

The petitioner, impugning SARFAESI proceedings, has approached this Court.

2. The petitioner had approached this Court in W.P.(C) No.31564/2014. This Court directed the petitioner to clear the overdue amount in four equal monthly instalments. It appears that the petitioner defaulted in complying the directions. Therefore, the Bank initiated proceedings under the SARFAESI Act. It is challenging the above proceedings, the petitioner has approached this Court.

3. The petitioner submits that she may be permitted to clear the overdue amount and the Bank may be directed to regularize the account.

4. This Court cannot consider such request in the light of the judgment of this Court in W.P.(C) No.31564/2014. In that view of the matter, this writ petition is dismissed.

5. However, the learned counsel for the petitioner submits that she is approaching the Debts Recovery Tribunal to avail alternative remedy.

In that view of the matter, coercive steps shall be deferred for a period of one month on condition that the petitioner deposits Rs.1,50,000/- within one month. It is made clear that this judgment will not stand in the way of the Bank in considering the petitioner's request for regularization of the loan account in appropriate manner.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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